

REPORT TO THE BOARD OF SUPERVISORS

PLANNING AND ZONING HEARING DATE:

February 3, 2005

BOARD OF SUPERVISORS HEARING DATE:

April 6, 2005 (Cont.
from 03-09-05)

CASE NO:

Z2004027

DISTRICT NO:

5

REQUEST:

Special Use Permit (SUP) for a wireless communications facility in Rural-43 zoning district, Cellular Use District 1 – T Mobile Banning Farm Hay Sales

ACREAGE:

Approx. 1,350 sq. ft. of a 4.45 gross ac. parcel

LOCATION:

West side of 67th Ave., approx. ¼-mi. north of Broadway Rd. (in the southwest Phoenix/Estrella area)

EXISTING ZONING:

Rural-43

SURROUNDING ZONING:

Rural-43

PROPOSED USE:

Wireless communication facility consisting of a 80' tall steel monopole with panel antenna array and associated ground equipment, within the grounds of an agri-business complex

CONFORMANCE WITH ADOPTED PLANS:

County Plan:

The Maricopa County "Eye to the Future 2020" Comprehensive Plan defers to the City of Phoenix for land use planning in this area.

City/Town Plan:

The Phoenix General Plan calls for Large Lot Residential Uses of 1-2 d.u./ac. Wireless communications facilities are specifically addressed in the City's plan.

**MUNICIPAL
COMMENTS:**

The City of Phoenix did not respond to this request.

**SUPPORT/
OPPOSITION:**

None known

**STAFF
RECOMMENDATION:**

DENY

**COMMISSION
RECOMMENDATION:**

APPROVE with modified stipulations (by unanimous vote)

**STAFF
COMMENTS:**

The applicant has modified his request since the 03-09-05 BOS hearing. The SUP area has been increased from 30' x 30' (900 sq. ft.) to 30' x 45' (1,350 sq. ft.). The larger area is to accommodate additional equipment in the ground compound. Three cellular carriers are now proposed – Alltel at an 80' elevation, T Mobile (the applicant) at 65', and Cricket at 55' – where previously just the one carrier was proposed at an overall monopole height of 65'. The overall monopole height is now proposed for 80' including antennas and attachments.

In order to approve the modified project, revised stipulation language is required (see attached).

New Attachments:
(Since 03-09-05 BOS)

Revised Stipulations (2 pages)
Revised Case Maps (2 pages)
Revised Site Plan (5 pages, reduced 8.5" x 11")
Revised Narrative Report (3 pages)

Z2004027 – Revised Stipulations

- a. Development and use of the site shall be in substantial conformance with the site plan entitled "T-Mobile, PH 20106A, Banning Farms Hay Sales", consisting of five (5) full-size sheets prepared by Young Design Corporation, dated revised ~~May 13, 2004~~ March 11, 2005, stamped by the architect ~~May 13, 2004~~ March 11, 2005, and stamped received ~~January 13, 2005~~ March 15, 2005, except as modified by the following stipulations.
- b. Development and use of the site shall be in conformance with the narrative report entitled "T-Mobile, Project Submittal Narrative for a Special Use Permit, Banning Farms Hay Sales, 3836 S. 67th Ave., Phoenix, AZ 85043", consisting of three (3) pages, *dated March 14, 2005 and* stamped received ~~January 13, 2005~~ March 15, 2005, except as modified by the following stipulations.
- c. Dedication of additional rights-of-way to bring the total half-width dedication to 65' for 67th Avenue shall occur within 6 months of approval of this request by the Board of supervisors, and prior to zoning clearance.
- d. The height of the monopole, including any attachments, shall be limited to ~~65'~~ 80'. Co-location shall be allowed.
- e. This Special Use Permit shall expire 10 years from the date of approval by the Board of Supervisors, or upon expiration of the lease to the applicant, or upon termination of the use, whichever occurs first. All of the site improvements, including the monopole, shall be removed within 60 days of such termination or expiration.
- f. The applicant shall submit a written report outlining the status of the development at the end of two years from the date of approval by the Board of Supervisors. The status report shall be reviewed by staff to determine whether the Special Use Permit remains in compliance with the approved stipulations. The status report shall include photographs of the facility.
- g. Antenna arrays shall be of a minimal width and mounting equipment. No catwalk type designs shall be permitted.
- ~~h. An administrative amendment shall be required to co-locate future carriers on the monopole.~~
- ~~i.~~
h. Non-compliance with the regulations administered by the Maricopa County Environmental Services Department, Maricopa County Department of

Transportation, Maricopa County Planning and Development Department or the Flood Control District of Maricopa County may be grounds for initiating a revocation of this Special Use Permit as set forth in the Maricopa County Zoning Ordinance.

~~j.~~
i.

Major changes to this Special Use Permit shall be processed as a revised application in the same manner as the original application, with final determination made by the Board of Supervisors following recommendation by staff and the Planning and Zoning Commission. Minor changes may be administratively approved by staff of the Planning and Development Department. Major changes to the Special Use Permit may require a new Citizen Participation Process as determined by the Planning and Development Department.

~~k.~~
j.

Noncompliance with the conditions of approval will be treated as a violation in accordance with the Maricopa County Zoning Ordinance. Further, noncompliance of the conditions of approval may be grounds for the Commission to take action in accordance with the Maricopa County Zoning Ordinance.

~~l.~~
k.

The applicant shall obtain the necessary permits prior to the commencement of any site improvements. Prior to any construction or placement of any equipment, the applicant shall obtain the necessary construction permits from the Maricopa County Planning and Development Department for all structures on the property.